

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Great White Bear, LLC,

Plaintiff,

-against-

Mervyns, LLC,

Defendant.

06 Civ. 13358 (RMB)(FM)

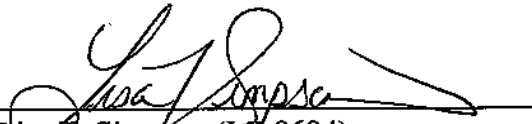
NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the attached Declaration of Rishona Fleishman, dated February 7, 2007, and the exhibits attached thereto, the accompanying Memorandum of Law, and all papers and documents filed with the Court in this action, Defendant Mervyn's, LLC will move this United States District Court, before the Honorable Richard M. Berman, in the United States Courthouse located at 500 Pearl Street, New York, New York, for an order pursuant to Rule 12(c) of the Federal Rules of Civil Procedure dismissing the Amended Complaint, filed November 20, 2006, for failure to state a claim upon which relief can be granted and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
February 7, 2007

ORRICK, HERRINGTON & SUTCLIFFE LLP

By


Lisa T. Simpson (LS-0694)
Rishona Fleishman (RF-5263)

666 Fifth Avenue
New York, NY 10103-0001
212-506-5000

Attorneys for Defendant
Mervyn's LLC